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B. NOEL KIVLIN  
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.  
P. O. BOX 398  
MOUNTAIN VIEW, CA 78767

EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/680,559

Applicant(s)

HIPP ET AL.

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-23 is/are rejected.
- 7) ☒ Claim(s) 15 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2, 2/13/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Applicant's amendment filed 5.3.2004 in response to Examiner's Office Action has been reviewed. The following rejections now apply.
2. Claims 1-24 are now presented for examination.

#### *Claim Objections*

3. Claims 15 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 6-10 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrera, III, (hereinafter Barrera), U.S Patent No. 6,247,057 in view of Jindal et al (hereinafter Jindal), U.S Patent No. 6,324,580.
6. Barrera was cited by Examiner in Office Action on 12.17.2003.

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7. As to claim 1, Barrera teaches a method comprising:
- assigning a unique virtual IP address to a first application residing on a first computer (column 3, lines 21-28);
- said first application requesting to connect to a port (column 4, lines 58-59 and column 6, lines 13-22);
- using the virtual IP address as a local address to connect the first application to said port (column 6, line 64 to column 7, line 14);
- resolving a request to connect to said first application from a second application running on a second computer in communication with said first computer, resolving a hostname to said local address, and connecting said second application to said first application using said local address (column 9, lines 52-67 and column 10, lines 10-12 – where the hostname is the handle that allows the client to directly connect to the local address of the endpoint. The hostname is not assigned to the first application.).

Barrera does not teach assigning both a unique virtual IP address and a virtual hostname to an application. And while Barrera does teach the use of a virtual hostname (column 10, lines 10-12), he does teach that said hostname is assigned to the first application.

8. Jindal teaches assigning a virtual hostname to an application and associating said hostname to an address (column 5, lines 47-56 – where the “virtual hostname” is the virtual server name assigned to the application). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Jindal’s method in Barrera, so a

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virtual name can be assigned to Barrera's virtual services and associated with the service's virtual IP address because it is easier for the user to remember a name as opposed to a cumbersome and long IP address. Jindal also teaches a virtual hostname assigned to an application for the purposes of identification by the user (column 5, lines 47-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Jindal's method of assigned a hostname to the application for the same reasons stated above.

9. As to claim 2, Barrera teaches method wherein resolving said virtual hostname to said local address comprises the steps of said application supplying said virtual hostname to a module that maintains associations between virtual hostnames and virtual addresses, and said module returning the virtual address to said second application (column 9, lines 52-67 and column 10, lines 5-11 where the handle is the virtual hostname that the client can use to connect to the virtual endpoint of the service and the server is the module).

10. Claim 4 is a computer readable medium with executable program instructions that performs the steps of the method of claim 1. Therefore claim 4 is rejected for the reasons set forth in above paragraphs 6 and 7 for claim 1.

11. Claim 6 is a computer readable medium with executable program instructions that performs the steps of the method of claim 2. Therefore claim 6 is rejected for the reasons set forth in above paragraph 8 for claim 2.

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12. As to claim 7, Barrera teaches a method wherein the virtual hostname is dynamically assigned (column 5, lines 14-18 and column 8, lines 27-33).

13. As to claim 8, Barrera teaches a method wherein the virtual hostname is preassigned (column 5, lines 4-14 and column 8, lines 27-33).

14. As to claim 9, Barrera teaches a method wherein the virtual IP address is dynamically assigned (column 5, lines 14-18 and column 9, lines 23-26).

15. As to claim 10, Barrera teaches a method wherein the virtual IP address is preassigned (column 5, lines 4-14).

16. Claim 16 is a computer readable method which performs the steps of the method of claim 7. Therefore claim 16 is rejected for the same reasons set forth in above paragraph 11 for claim 7.

17. Claim 17 is a computer readable method which performs the steps of the method of claim 8. Therefore claim 19 is rejected for the same reasons set forth in above paragraph 12 for claim 8.

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18. Claim 18 is a computer readable method which performs the steps of the method of claim 9. Therefore claim 18 is rejected for the same reasons set forth in above paragraph 13 for claim 9.

19. Claim 19 is a computer readable method which performs the steps of the method of claim 10. Therefore claim 19 is rejected for the same reasons set forth in above paragraph 14 for claim 10.

20. Claims 3, 5, 11-14 and 20-23 are rejected under 35 U.S.C 103(a) as being unpatentable over Barrera in view of Jindal and Ishikawa, U.S Patent No. 6,038,602.

21. As to claim 3, Barrera teaches a method comprising:  
assigning a unique virtual IP address to a first application residing on a first computer (column 3, lines 21-28); and  
resolving the virtual IP address of the first application as a local address.

Barrera does not teach assigning a virtual hostname, said first application requesting to connect to a port and address of a second application running on a second computer in communication with said first computer or resolving the virtual address to connect the first application to said second application.

22. Jindal teaches assigning a virtual hostname to a first application and associating said hostname with a virtual IP address (column 5, lines 47-56). It would have been obvious to

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one of ordinary skill in the art at the time the invention was made to implement Jindal's method in Barrera, so a virtual name can be assigned to Barrera's virtual services and associated with the service's virtual IP address because it is easier for the user to remember a name as opposed to a cumbersome and long IP address.

23. Ishikawa teaches a first application requesting to connect to a port and address of a second application running on a second computer in communication with said first computer (column 12, lines 12-16 – where server Sb is the first application and user computer Pb is the second computer. And an IP connection consists of a port and IP address). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Ishikawa's method in Barrera to allow the virtual services to connect to a user computer in Barrera's system.

Ishikawa also teaches resolving an address to connect the first application to said second application (column 11, line 62 to column 12, line 3). It would have been obvious to apply Ishikawa's method in Barrera so the step of resolving a virtual IP address would allow the connection of Barrera's virtual services to the user computers.

24. Claim 5 is a computer readable medium with executable program instructions that performs the steps of the method of claim 1. Therefore claim 5 is rejected for the reasons set forth in above paragraphs 11, 12 and 13 for claim 3.



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25. As to claim 11, Barrera teaches a method wherein the virtual hostname is dynamically assigned (column 5, lines 14-18 and column 8, lines 27-33).
26. As to claim 12, Barrera teaches a method wherein the virtual hostname is preassigned (column 5, lines 4-14 and column 8, lines 27-33).
27. As to claim 13, Barrera teaches a method wherein the virtual IP address is dynamically assigned (column 5, lines 14-18).
28. As to claim 14, Barrera teaches a method wherein the virtual IP address is preassigned (column 5, lines 4-14).
29. Claim 20 is a computer readable method which performs the steps of the method of claim 11. Therefore claim 19 is rejected for the same reasons set forth in above paragraph 24 for claim 11.
30. Claim 21 is a computer readable method which performs the steps of the method of claim 12. Therefore claim 19 is rejected for the same reasons set forth in above paragraph 25 for claim 12.

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31. Claim 22 is a computer readable method which performs the steps of the method of claim 13. Therefore claim 22 is rejected for the same reasons set forth in above paragraph 26 for claim 13.

32. Claim 23 is a computer readable method which performs the steps of the method of claim 14. Therefore claim 23 is rejected for the same reasons set forth in above paragraph 21 for claim 27.

***Response to Arguments***

33. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (703)305-8864. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100